

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Non-Simulcast Internet and
Wireless Transmissions by

CLEAR CHANNEL COMMUNICATIONS, INC.

Civil Action No. 41-1395 (WCC)

~~PROPOSED~~ ORDER

As agreed upon by the American Society of Composers, Authors and Publishers ("ASCAP") and Clear Channel Communications, Inc. ("Clear Channel") (collectively, the "Parties") and presented to the Court at the October 10, 2008 hearing, the Court adopts the following scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

1. On or before **December 31, 2008**, ASCAP shall serve its proposal for final fees on Clear Channel;
2. On or before **January 30, 2009**, Clear Channel shall serve its proposal for final fees on ASCAP;
3. The Parties shall complete fact discovery by **February 17, 2009**;

COPYING MAILED TO COUNSEL OF RECORD 11/14/08 89

4. On or before **February 17, 2009**, the Parties shall disclose their experts in accordance with Rule 26 of the Federal Rules of Civil Procedure;
5. On or before **March 3, 2009**, ASCAP shall serve any initial expert reports on Clear Channel;
6. On or before **April 7, 2009**, Clear Channel shall serve any initial expert reports on ASCAP;
7. On or before **April 28, 2009**, ASCAP shall serve any expert rebuttal reports;
8. On or before **May 12, 2009**, Clear Channel shall serve any expert rebuttal reports;
9. The Parties shall complete expert discovery by **June 9, 2009**;
10. The Parties shall file any dispositive motions with the Court on or before **June 16, 2009**; and

11. The Parties shall appear for a pretrial conference on **June 26, 2009**, at **10:15 a.m.**

Nothing in this Scheduling Order shall prevent either party from asking the Court to set additional dates or otherwise modify this Scheduling Order.

SO ORDERED.

Dated: White Plains, New York
November 14, 2008

Matthew J. Gorden
Sr. United States District Judge